

DETAILED ACTION

Applicant's response and claim amendments filed on 11/20/2009 are duly acknowledged.

Claims 1 and 3-25 are currently pending in this application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Beth E. Arnold** (attorney of record) on February 24th, 2010.

The application has been amended as follows:

Partial Rejoinder of Withdrawn Process Claims

Claims 1, 4, 5, 21, and 23-25 directed to an allowable product (i.e. an "electrodeposited fibrin matrix with cell"; see claim 1, in particular). Pursuant to the procedures set forth in MPEP § 821.04(b), claims **15 and 16** (withdrawn group V), directed to the process of using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, dated 06/28/2006 are hereby **rejoined** and fully examined for patentability under 37 CFR 1.104. However, Claims 3, 6-14, 17-20 and 22, directed to the invention(s) of groups II-IV, VI and VII have **NOT** been rejoined.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement between groups (I and V) as set forth in the Office action mailed on 06/28/2006 is hereby withdrawn.** In view of the withdrawal of the

restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

In The Claims

Claims 3, 6-14, 17-20 and 22 have been canceled.

Claims 1, 4, 5, 15, 16, 21, and 23-25 have been rejoined (groups I and V), examined on their merits, and allowed by this examiner's amendment.

Claims 4, 5, 15 and 23 have been amended as follows:

4. (Currently amended) The electrodeposited fibrin matrix with cells of claim 1, further comprising one or more substances.

5. (Currently amended) The electrodeposited fibrin matrix with cells of claim 4, wherein the one or more substances is a growth factor, differentiation inducer, anti-oxidant, vitamin, hormone, nucleic acid, drug, peptide, emollient, humectant, conditioner or cosmetic.

15. (Currently amended) A method of evaluating a biological response of a cell to a substance, comprising:

applying the substance to the ~~electroprocessed~~ electrodeposited fibrin matrix ~~and with~~
cells of claim ~~3~~ 1; and,

evaluating the biological response of the cell.

23. (Currently amended) The electrodeposited fibrin matrix with cells of claim 1,
wherein the cells are spread in parallel with the applied stretching mechanical force.

CONCLUSION

Claims 1, 4, 5, 15, 16, 21 and 23-25 are allowed.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to SATYENDRA K. SINGH whose telephone number is (571)272-
8790. The examiner can normally be reached on 9-5MF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, JON P. WEBER can be reached on 571-272-0925. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Satyendra K. Singh/

Examiner, Art Unit 1657

/JON P WEBER/

Supervisory Patent Examiner, Art Unit 1657